

Appln. No. 10/629,966  
Amendment dated March 23, 2009

### REMARKS

Reconsideration is respectfully requested.

#### Status of Claims

Claims 7 through 9, 12 and 14 have been cancelled.

No claims have been withdrawn.

Claims 15 through 18 have been added.

Therefore, claims 1 through 6, 10, 11, 13, and 15 through 18 are pending in this application.

#### Paragraph 1 of the Office Action

Claim 14 has been objected to for the presence of an informality, and in the Amendment above claim 14 has been cancelled, so the objection is submitted to be rendered moot.

#### Paragraphs 2 through 3 of the Office Action

Claims 1 through 11 and 13 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over DeCarmo in view of Ward, III and further in view of Hancock.

Claim 1 requires, in part, that "control programming operates the computer to display a context information box over a portion of the on-screen overlay when a user causes a pointer to hover over one representation of the first user-selectable items or the second user-selectable items of the respective on-screen overlay". This feature is disclosed throughout the specification and drawings, such as, for example, at page 9, lines 20 et seq. and in Figure 7.

This requirement of claim has some similarities to the previous requirements of claim 14 (now cancelled), and the rejection of claim 14 in the Office Action alleges that:

Regarding claim 14, when read in light of claim 1, DeCarmo in view of Ward and Hancock further teaches control programming

Appln. No. 10/629,966

Amendment dated March 23, 2009

operates the computer to display a context information box when a pointer hovers over a particular representation of the first user-selectable items or the second user-selectable items (Hancock col. 9 II. 59-67, where a highlight is a type of pointer: one that directs, indicates, or points; a mark to indicate a direction or relation).

However, it is submitted that the requirement of claim 1 set forth above is not met by the disclosure of Hancock at col. 9, lines 59 through 67, which state:

The Master/Administrator then uses the up/down arrow keys to scroll through the various Rating and Content codes. The Rating or Content code tile that can be selected is the tile that is highlighted in blue. The V-Chip Help Text portion of the Guide Plus+screen provides help explanations for the feature currently highlighted by the remote control selection. The V-Chip Help Text provides an explanation of each Rating or Content code as the Rating or Content code tile is highlighted.

In contrast to what is alleged in the rejection, the Hancock patent does not disclose "a context information box [displayed] over a portion of the on-screen overlay when a user causes a pointer to hover over one representation". First, the Hancock patent shows a window (the "V-Chip Help Text portion of the Guide Plus+screen") that is not displayed "over a portion of the on-screen overlay" as required by claim 1. Moreover, if the Hancock "Help Text" window is always displayed, then there is no reason for one of ordinary skill in the art to include the claimed feature. However, the claimed element allows further information to be displayed only as invoked by the user (by hovering), and thus a portion of the screen does not have to be dedicated to a window for displaying information. The claimed system is thus able to display a greater number of items since there is no dedicated portion of the screen set aside as in Hancock.

Also, the highlighting of a "tile" in a screen is not the same as a pointer that is able to hover over a representation on the on-screen overlay. It is recognized by one of ordinary skill in the art that a "highlight" is invariably some thing that moves serially from one object (tile) to another, while a pointer (typically controlled by a mouse or similar device) is free to

Appln. No. 10/629,966  
Amendment dated March 23, 2009

move in any direction without regard to the arrangement of the tiles on the screen.

Additionally, claim 1 requires, in part, that "the adjustable control parameters of the native parental control system include a first parental control scheme and a second parental control scheme, the first parental control scheme being incompatible with the second parental control scheme" and "wherein the control programming allows a user to choose general control parameters of the first parental control scheme and the second parental control scheme."

It is submitted that the DeCarmo patent does not support the allegation set forth in the rejection that DeCarmo does in fact disclose "incompatible" rating schemes. More specifically, and looking to the cited portion of DeCarmo at col. 2, DeCarmo states at lines 1 through 14 that:

Limitations of the V-Chip technology as well as the above-referenced patent include being unable to handle picture-in-picture situations where each picture enforces a different rating system. Further, they are not compatible with input devices that have different parental control schemes, in example, digital video disc (DVD). Moreover, neither solution provides means for enforcing parental controls on devices without built-in parental enforcement.

Accordingly, what is needed is a parental control method and system for multimedia displays that support differing technologies of parental enforcement as well as providing parental enforcement where none is available.

Here the discussion of "different rating systems" is understood to regard the ratings of different forms of media (e.g., a movie rating system vs. a TV program rating system), and not different threshold ratings for permitted viewing. The discussion of different and incompatible parental control schemes employed on different input devices does not disclose two parental control schemes, and it is submitted that the simple expression of a desire for "a parental control method and system for multimedia displays that support differing technologies of parental enforcement" (without more) does not disclose two parental control schemes in which the user is able to

Appln. No. 10/629,966  
Amendment dated March 23, 2009

choose general control parameters of each of the incompatible control schemes.

Further, the remarks appear to skirt the issue of whether the DeCarmo patent discloses "incompatible" control schemes, or simply discusses "different" control schemes. Looking to the portion of the DeCarmo patent at col. 7, lines 58 through 67 that is referred to in the Remarks, it states:

During the querying of each input stream of step 412, rating manager 210 attains the following capabilities. The first capability is whether the input stream provides UniqueIDSupport, which indicates if the stream has associated a unique ID and if the stream may only be authenticated by the unique ID. For example, VideoCD has no rating system so it must be authenticated via the unique ID. The next capability includes ParentalControl capabilities. ParentalControl indicates if the stream contains parental control features.

However, nothing here discloses or suggests that there is a first parental control scheme and a second parental control scheme that are "incompatible". The text here discusses a parental control capability, and the lack of a rating system. The absence of a rating system is not an "incompatible" parental control system—it is no system at all. There is no incompatibility stated or implied in DeCarmo between the rating system or "ParentalControl capability", and no system at all.

It is therefore submitted that one of ordinary skill in the art would not understand that the DeCarmo patent discloses first and second parental control schemes that are incompatible, particularly in the portion of the DeCarmo patent relied upon in the rejection of the Office Action.

It is therefore submitted that the cited patents, and especially the allegedly obvious combination of DeCarmo, Ward and Hancock set forth in the rejection of the Office Action, would not lead one skilled in the art to the applicant's invention as required by claim 1. Further, claims 1 through 6, 10, 11, 13, which depend from claim 1, also include the requirements discussed above and therefore are also submitted to be in condition for

Appln. No. 10/629,966  
Amendment dated March 23, 2009

allowance.

Withdrawal of the §103(a) rejection of claims 1 through 6, 10, 11, 13 is therefore respectfully requested.

#### New Claims

New claim 15 requires that "the context information box includes additional context information relating to the representation of the user-selectable item over which the pointer is caused to hover" This feature is disclosed throughout the specification and drawings, such as, for example, at page 9, lines 20 et seq. and in Figure 7. It is submitted that this aspect of the invention is also not disclosed either individually or in combination by the in the DeCarmo, Ward or Hancock documents. As noted above, such a feature would be simply be superfluous to the "Help Text" window of Hancock.

New claim 16 further requires that "the context information box is displayed for a predetermined period of time when the pointer is caused to hover over a representation", which is also disclosed throughout the application but in particular at page 9, lines 20 et seq. and in Figure 7.

New claim 17 requires that "the context information box is displayed in a pop-up text box in an overlying relationship with the on-screen overlay". This feature is disclosed in the application in similar places and is something that the cited art does not disclose or suggest.

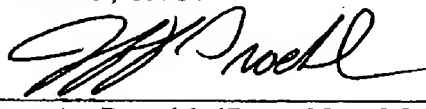
Appln. No. 10/629,966  
Amendment dated March 23, 2009

**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

GATEWAY, INC.

By 

Date: MARCH 23, 2009

Jeffrey A. Proehl (Reg. No. 35,987)  
Customer No. 24,333  
610 Gateway Dr., Y-04  
N. Sioux City, SD 57049  
Telephone (605) 846-2042 ext. 26809 (Lori Boulware - pat. assist.)  
Fax (605) 232-2612